

9/27/11

To: Water Board Statewide Order Workgroup,**From:** Dan Noble, ACP ED & Reg Consultant to IEDA**RE:** Notes from the Stakeholder Workgroup Meeting, Riverside, CA, 9-12 noon

- **Why:** I just wanted to provide the briefest of notes to appraise folks about some of the topics that were discussed at this mornings Stakeholder Workgroup meeting in Riverside, CA
- **What:** “Stakeholder Workgroup Meeting: Concepts for a Statewide Order for Composting Facilities”
- **Where:** Regional Water Quality Control Board, Santa Ana Office, 3737 Main Street, Riverside, CA 92501, 5th Floor Conference Room
- **Disclaimer:** These notes are not “official” and certainly not complete. They are an indicator of some of the main points that I perceived and heard and felt were important. They may serve as both a background, and jump-off point, to share for further discussion and collaboration between the compost industry, the Water Board, Calrecycle and other stakeholders (especially environmental activists which didn’t seem to be represented, so far, on this Workgroup). Wording this more clearly is both possible and desirable, as well as eliminating any errors of omission. Many more points need to be made, and hopefully will be brought up in the other Workgroup session in the North, and the ongoing Workgroup process.

Attendees (incomplete list of those in the room, no one the phone is listed here):

- Water Board: Roger Mitchell, Lisa Babcock
- Calrecycle: Gerald Beruman, Brian Stalker, Jennifer Wallin, Danielle Aslam
- ACP & IEDA Supporting Members: Dan Noble (ACP-ED, Reg Consult), Chuck Tobin (Burrtec), Bob Conway (LACSD), Matt Rayl (Serrano Creek Soils)
- Other Composters (including ACP Basic Members): Renee Robertson (City of San Diego, Miramar Greenery), Michael Hardy (Calbiomass), Mary Matava, (El Corazon Composting, Agri-Service, Inc), Rosalia Rojo (City of Los Angeles)
- Other Professionals: Dr. David Crohn, (UCR/UCCE; ACP Science Advisor)

*{with apologies to the folks I left off!}***Topics Addressed:****Scope & Terminology**

Discussion of why/how the Water Board has the authority to regulate compost facilities under Title 27 (which is clearly referenced within Title 14 Waste management facility statutes). Also, it was made clear that this regulation only concerns discharge of excess facility water (mostly stormwater falling on the facility site) to land surfaces which can impact groundwater basins, (vs. discharge to surface waters; which triggers the necessity of NPDES permits, not covered in this Statewide Order.)

- **Definition of “Waste”** – There was much discussion of the term “waste” within the context of both the marketplace, the political definitions as well as from a regulatory perspective. We came to the perspective that “waste”, for the purposes of this regulatory process are “constituents of concern” (esp. salts, nutrients, bacteria, metals) that are known to arise from water saturated compost feedstocks, piles and/or finished compost. This isn’t to say the compost is itself a “waste”, however, the feedstocks have been classified as such, as well as the

- “leachate” from compost processes can either be a “waste”, or better, a “pollutant to surface and groundwater.” There is recognition, if not explicit data, that “wastes” that come from compost piles will be different from wastes coming from other facilities (e.g. landfills, other production facilities, etc.) These definitions can be explicitly stipulated in final documents to assure clarity of the Order.
- **Defining Constituents of Concerns as it relates to the compost process** – while there is some general agreement of the general “constituents of concern” from saturated compost processes. Specific data where it exists, and referred to by the Water Board for the purposes of drafting this Statewide Order, can be found on the Water Board website. Roger Wilkins will send out the exact URL for this data. There was acknowledgement that the more we know about both the chemistry and the fate of these chemicals, the more accurately we can craft WQPMs (Water Quality Protection Measures) to address the potential pollutants (waste discharges to groundwater).
 - **Definition of “Organics”** – While many in the room were using the term organics residuals, or “compostable organic matter,” the term organics is not defined in the Draft Concepts. However, all of the feedstocks to compost facilities were defined in the Draft Concepts, (though we didn’t get into details for those definitions during this meeting). Save to say the word “contains” as in “contains food waste” is too general (i.e. does “contains” = 1% or 50% or 99%?). This is not clear, and needs to be clarified for the purposes of defining management practices at the facility.
 - **Definitions and Dollars** – Composters expressed that definitions are not just academic, scientific or legalistic, but are the basis upon which facilities will have to invest in designing and building specific WQPMs. This can *run from the thousands to millions of dollars at each facility*, and therefore is critically important to both the crafting and the implementation of this Statewide Order to every facility owner and operator.
 - **Spectrum of Management Unit Definitions from WMU and LTU** – We pointed out that while the compost facilities are generally classified as Waste Management Units (WMU’s under Title 27), both the feedstocks (green material, biosolids, manure) as well as the finished material (finished compost) can be applied to land under the “Land Treatment Unit” portion of Title 27. If the material starts out as an LTU material, and ends up as an LTU material, why isn’t a compost facility an LTU rather than a WMU? Shouldn’t it be regulated as an LTU rather than a WMU? What differences would this mean for the WQPMs? We still need to further clarify this point (see discussion of “Units” below).
 - **Units/Categories of the Compost Process** – It was brought up that compost operations are already divided and managed in segregated “units” at each facility, including at least the five areas of:
 - Raw feedstocks (green material, food waste, biosolids and manure) or some mixture of these
 - Chipped, ground or shredded feedstock material
 - Active compost piles (static, windrows, aerated, etc.)
 - Finished Compost
 - Under piles vs. surface area for movement and transport (by equipment) (so called “pads” under piles and working surfaces).The questions include: Do each of these units produce the same or different “constituents of concern”? Can each of these units be managed differently

- based on the potential to pollute? Can these be part of the WQPMs? This needs to be worked through.
- **Concept and Operational Use of Management Units** – According to the Water Board representatives, the concept of management units is well known and well understood by Water Board regulators. This concept can likely be used in crafting WQPMs for compost facilities... but the Water Board needs industry's guidance and recommendations on this, moving forward.
 - **Matrix of compost stages, materials and threats** – It was recommended that possibly we could craft a matrix of the composting materials handling stages, the various material types and the various site specific and unit specific threats to groundwater contamination, and craft the WQPMs accordingly. The Water Board was open to considering this option with explicit recommendations from industry representatives.
 - **Distinction between BMPs and WQPMs** - We learned that the Water Board is endeavoring to make an explicit distinction between BMPs (best management practices) that are “believed” to produce water quality enhancements vs. WQPMs (water quality protection measures) which are “known” or “demonstrated” to protect the water environment (in this case, ground water aquifers). That is way WQPMs are used rather than BMPs in this Order (if I'm understanding this correctly).
 - **Chip & Grind Facilities** – Why are chip & grind facilities not regulated if three of the four compost facility operations are the same as chip & grind facilities and compost applications? We did not work though a solution to this, save to say that these two facility operations are defined differentially in the various CalEPA regulations (*by all agencies*, Air, Water and Solids/Calrecycle). The industry representatives stressed that this *needs to be resolved by all CalEPA agencies* to benefit *both* the industry *and* the environment, and create a level playing field within the organics recycling industry (i.e. for *both* composted *and* non-composted organic materials).
 - **Definitions Comments** - Water Board representatives explicitly solicited specific definitional recommendations that will help clarify the Draft Order and process moving forward.

Pond Requirements

There was a desire to start with the pond requirements, rather than the pad requirements, as per the agenda.

- **“One Size Fits All”?** – The Order, while applying across the state, there is recognition by the Water Board, that different sites will need to be treated differently relative to pollution threat which is based on (at least):
 - Liquid – amount of water used, rainfall and runoff (both through and around piles)?
 - Grade – what is the slope of the management surface(s)?
 - Permeability – what is the permeability of the surfaces over the aquifer?
 - Material type – both feedstock and stage in the organics management process
- **Management Units** – If differences between the compost management units is defined (we need specific data for this, still!), then it is possible to define both pads and ponds based on the above “threats to groundwater quality” that are specific for, and to, those units.

- **Operational measures vs. capital intensive measures:** If we can develop operational measures that take advantage of the retention and treatment characteristics of compost operations, materials and products to *treat* constituents of concern *on-site*, it may be possible to craft a set of WQPMs that are specific to compost operations and materials (that are unique, compared to any other industrial facility) and to control and improve water quality, on site. The industry needs to *make specific proposals to the Water Board for consideration about what these are and should be.*

Pad Requirements

We did not discuss pad requirements at any length, save to say that we may need to discuss different pads for different units. As well as to incorporate or find new data like the Sandia Lab research on landfill covers that applies specifically to pads where plant material (i.e. for evapotranspiration) is not being used. This still needs to be worked through with more detail and data.

Regulatory and Workgroup Framework

1. **What discretion does a regional board have?** Site specific WDR? Do they have that latitude? Regional Boards have broad discretion in statute to craft unique local requirements at each facility. The General Order “will be used as a reference,” to help simplify the regulatory process for compost facilities, provide guidance to the Regional Water Board regulators, and create a more “level playing field” for composters around the state.
2. **Existing or proposed... WDR?** What happens to existing facility of a WDR?
 - Existing WDR - will remain under Regional Boards, continue... unless Regional Board decides otherwise, and can be subject to new review
 - Existing facilities without WDR - State board will “knock on their door”.. subject to State Requirements... issue the permit for the Statewide Order.
 - New facility - same as existing that does not have a WDR (from operator’s perspective) have discretion under state General Order, or negotiate something with the Regional Board.
3. **Stakeholder Workgroup** – can the Stakeholder Workgroup be formed to continue working with the Water Board both now and into the future? The goal is that this should, and can, be the case (our current understanding). This likely needs to be defined more specifically as to what the collaboration looks like both during the Statewide Order drafting, acceptance and its implementation.

Next Steps:

- **Definitions Comments** – The Water Board would like to receive specific definitional comments and recommendations from the Stakeholders.
- **Collaborating** – The Water Board intends to collaborate with all Stakeholders to draft the best WQPM’s to both protect the water environment, as well as keep the compost industry viable and growing.
- **Proposed WQPMs** – The Water Board explicitly solicited new, draft, alternative WQPMs to what is in the Draft Concepts, based on addressing, and resolving the issues discussed at this working group
- **Research** – Further research was not explicitly discussed, however, there was universal agreement that the more explicit data that is available (either specifically related to compost operations or already available about soils and water pollution retention and movement into the aquifers) should be the basis of

- crafting WQPMs. Do industry participants feel that certain data is missing? If so, how and when will we define the data, and closing the gap on the missing data?
- **Further Discussions** – Ongoing discussions between the meetings between the industry Stakeholders and the Water Board is *strongly encouraged*
 - **Next Working Group** – The next working group meetings (again both North and South) will be the last week in October (but dates have not been set yet). More meetings are possible, if we defined the explicit need to continue the collaboration.